

1 James McCullagh, *pro hac vice*
 jmccullagh@perkinscoie.com

2 Joseph Cutler, *pro hac vice*
 jcutler@perkinscoie.com

3 PERKINS COIE LLP
 1201 Third Avenue, Suite 4800
 4 Seattle, WA 98101
 Telephone: 206.359.8000
 5 Facsimile: 206.359.9000

6 David P. Chiappetta, Bar No. 172099
 dchiappetta@perkinscoie.com

7 PERKINS COIE LLP
 Four Embarcadero Center, Suite 2400
 8 San Francisco, CA 94111-4131
 Telephone: 415.344.7000
 9 Facsimile: 415.344.7050

10 Attorneys for Plaintiff
 FACEBOOK, INC.

11
 12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN JOSE DIVISION**
 15

16 FACEBOOK, INC., a Delaware
 corporation,

17 Plaintiff,

18 v.

19 BRIAN FABIAN, JOSH RASKIN, MING
 20 WU, and JOHN DOES 4-10, individuals;
 and ISTR HOLDINGS,
 21 SLICKCASH.COM, 1564476 ONTARIO
 LIMITED, and JOHN DOES 14-20,
 22 corporations,

23 Defendants.

Case No. C-07-03404 HRL

**STIPULATION TO CONTINUE CASE
 MANAGEMENT CONFERENCE AND
 INITIAL DISCOVERY DEADLINES**

Date: January 8, 2008
 Time: 1:30 p.m.
 Dept.: 2, 5th Floor
 Before: Honorable Howard R. Lloyd

24
 25 As further explained below, Plaintiff Facebook, Inc has recently been able to effect
 26 service on the defendants whose identities are known in the above-captioned action. No
 27 defendant, however, has appeared to date before this Court. Pursuant to Federal Rule of Civil

28 **STIPULATION TO CONTINUE CASE MANAGEMENT
 CONFERENCE AND DISCOVERY DATES**

CASE NO. C-07-03404 HRL

1 Procedure 16(e), Civil L.R. 16-2(e) and the Standing Order Re: Initial Case Management and
2 Discovery Disputes issued in this litigation, as the only party presently before this court, Plaintiff
3 Facebook, Inc. thereby stipulates upon the Court's approval as follows:

4 1. By order dated September 28, 2007, this court continued the case management
5 conference to January 8, 2008, and authorized plaintiff Facebook, Inc. to serve discovery on
6 third-party Internet Service Providers ("ISPs") Look Communications Inc. ("Look") and Rogers
7 Cable Communications Inc. ("Rogers") in order to obtain information relating to the identities of
8 the persons responsible for the unauthorized access of Facebook's computer system.

9 2. Facebook initiated an action in Canada and presented the Canadian Court with the
10 letters rogatory authorized by this Court in order to obtain the authority from the Canadian
11 Courts to conduct the discovery referenced in paragraph 1 above.

12 3. On October 26, 2007, the Ontario Superior Court of Justice granted Facebook's request
13 and Facebook thereafter served discovery on Look and Rogers to obtain information related to the
14 identities of the persons responsible for the unauthorized access of Facebook's computer system.

15 4. Facebook received information from Rogers in early November and Look on
16 November 30, 2007.

17 5. On December 12, 2007, Facebook filed its First Amended Complaint naming
18 defendants Brian Fabian, Josh Raskin, Ming Wu, Istra Holdings, Inc., Slickcash.com, and
19 1564476 Ontario Limited as defendants.

20 6. Facebook thereafter undertook to serve defendants with a copy of the First Amended
21 Complaint, Summons, ECF Registration handout form U.S. District Court, Notice of Assignment
22 of Case to a U.S. Magistrate Judge; Order Setting Initial Case Management Conference and ADR
23 Deadlines, contents of Joint Case Management Statement, Consent to Proceed before a U.S.
24 Magistrate Judge and Standing Order re: Initial Case Management and Discovery Disputes.
25 Facebook received confirmation of service on defendant Ming Wu, Istra Holdings, Inc.,
26 Slickcash.com, and 1564476 Ontario Limited on December 18, 2007, and Brian Fabian on
27 December 19, 2007.

- 2 -

28 STIPULATION TO CONTINUE CASE MANAGEMENT
CONFERENCE AND DISCOVERY DATES

CASE NO. C-07-03404 HRL

1 7. On December 19, 2007, counsel for Facebook received a letter from Canadian counsel
2 David Wilson with the firm Beard Winter, LLP indicating that they were counsel for defendants
3 1564476 Ontario Limited, Istra Holdings Inc., Brain Fabian, Josh Raskin and Ming Wu. A copy
4 of that letter is attached as Exhibit A. Counsel for defendants also indicated that they were in the
5 process of retaining U.S. counsel.

6 8. On December 21, 2007, counsel for Facebook spoke with Canadian counsel David
7 Foulds with the firm Davis LLP, indicating that he represented defendant Josh Raskin. Mr.
8 Foulds indicated that Mr. Raskin had not received service of the Summons and Complaint and
9 that he would determine whether he was authorized to accept service of the Summons and
10 Complaint on behalf of Mr. Raskin and inform Facebook of the decision after the upcoming
11 holidays.

12 9. On December 21, 2007, counsel for Facebook forwarded a draft of this stipulation to
13 Mr. Wilson. On December 24, 2007, Mr. Wilson stated that he could not sign this stipulation on
14 account of the fact that he was not qualified to practice law in the State of California. A copy of
15 the email received from Mr. Wilson is attached as Exhibit B.

16 10. Pursuant to Federal Rule of Civil Procedure 12, defendants have 20 days in which to
17 respond to the complaint, thereby making the responses of defendant Ming Wu, Istra Holdings,
18 Inc., Slickcash.com, and 1564476 Ontario Limited due on January 7, 2007, and that of Brian
19 Fabian due on January 8, 2007.

20 11. As a result of the recent service of defendants, the parties did not conduct an initial
21 conference of the parties on December 18, 2007 as required by the Order setting the Case
22 Management Conference date of January 8, 2007. Dkt. 25.

23 12. In consideration of the fact that Facebook has worked diligently to obtain information
24 related to the identity of the persons responsible for the unauthorized access of Facebook's
25 computer system described in the First Amended Complaint and the fact that defendants are
26 residents of Canada who were recently served or have not yet been served with the Summons,
27 First Amended Complaint and other materials identified in paragraph 6 above, the parties

28 STIPULATION TO CONTINUE CASE MANAGEMENT
CONFERENCE AND DISCOVERY DATES

CASE NO. C-07-03404 HRL

respectfully request that the Court continue the initial Case Management Conference to February 12, 2008.

13. A continuance of the Case Management Conference to February 12, 2008, permits the defendants to respond to Facebook's First Amended Complaint as provided by Federal Rule of Civil Procedure 12. It will also allow the parties to conduct their initial conference of the parties as proscribed by Fed. R. Civ. P. 26(f) on January 22, 2008, with a corresponding date of February 5, 2008 for the parties' initial disclosures as proscribed by Fed. R. Civ. P. 26(a).

DATED: December 26, 2007

PERKINS COIE LLP

By: /s/
David Chiappetta

Attorneys for Plaintiff
FACEBOOK, INC.

**THE FOREGOING STIPULATION IS APPROVED AND
IT IS SO ORDERED**

Dated: _____ By: _____
United States Magistrate Judge